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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2922/2019 & CRL.M.A. 11782/2019

AVINASH CHANDRAKANT
PITALE & ORS

..... Petitioners

Through: Mr. Sanjay Gupta & Mr.
Shubhangam Thakur,
Advs.

versus

CISCO SYSTEM CAPITAL(INDIA)
PVT. LTD.

..... Respondent

Through: Mr. Rachit Bigghe, Adv.
(through VC)

+ CRL.M.C. 2924/2019

AVINASH CHANDRAKANT
PITALE & ORS

..... Petitioners

Through:

versus

CISCO SYSTEM CAPITAL(INDIA)
PVT LTD

..... Respondent

Through: Mr. Rachit Bigghe, Adv.
(through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

15.02.2024

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1. The present petitions are filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of Complaint Cases, bearing nos. 542378/2016 and 542377/2016, registered for offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act').

2. The learned counsel for the petitioners submits that the accused company, which had issued the cheques which led to the



filing of the complaints under Section 138 of the NI Act, was ordered to be wound up by an order dated 18.03.2015, passed by the High Court of Bombay, in Company Petition No. 499/2014.

3. He submits that the cheques in question were presented much after the said winding up order.

4. He relies upon the orders dated 31.01.2020, passed by the Coordinate Bench of this Court, in Crl.M.C. 3239/2019 and Crl.M.C.3245/2019, by which complaints, being CC Nos. 535289/2016 and 535290/2016, filed by the present respondent itself in relation to the dishonour of other cheques arising out of the same transaction as the present case, were quashed respectively.

5. The learned counsel for the respondent does not dispute the said fact.

6. In view of the above, since the accused company, the dishonour of whose cheques led to the filing of the present complaints, has already been wound up prior to the presentation of the cheques which are alleged to have been dishonoured, the complaints bearing nos. 542377/2016 and 542378/2016 are quashed.

7. The present petitions, along with the pending application, are allowed in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 15, 2024

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